

REMARKS

Claims 1, 5, 7-13 and 16-18, as amended remain herein. Claims 2-4, 6, 14, 15 and 19 are canceled without prejudice or disclaimer.

1. Applicants thank the Examiner for the interview held on September 11, 2007. During the interview, possible amendments to claims 1 and 18 were discussed. Further, applicants demonstrated patentability of the claims over the cited prior art references. The discussion during the interview did not result in agreed allowance of any of the rejected claims, and applicants acknowledge that the substance of the interview is stated in the Interview Summary (PTOL-413) supplied by the Examiner on the date of the interview. The claims presented herein have been further amended for clarity.

2. Claim 18 is amended pursuant to the discussions during the personal interview of September 11, 2007. Applicants respectfully request that the 35 U.S.C. § 112, second paragraph rejection on claim 18 be withdrawn.

3. Claims 1, 5, 8-10, 13, 16-18 were rejected under 35 U.S.C. § 102 (e) over Werner '920.

Claims 1 and 13, each recites, *inter alia*, "each of the channels...extending radially straight from the injection port to the water absorbing member." Werner '920 fails to disclose or suggest the noted feature of claims 1 and 13.

As shown in Fig. 4 of Werner '920, the fluidic circuit 128 is curved and bent. The fluidic circuit 128 does not extend radially straight, as recited in applicants' claims 1 and 13 (see Werner '920, col. 13, lines 26-36).

Further, Werner '920 fails to disclose or suggest the water absorbing member containing a blood coagulating agent for coagulating a liquid specimen, as recited in claims 1 and 13. Werner '920 states that "materials for pad or membrane include filter paper, cellulose acetate, nitrocellulose, glass fiber, hydrophilic polyester, nylon, cellulose and the like" (see Werner '920, col. 6, line 67 – col. 7, line 3). However, Werner '920 shows that these materials are not a blood coagulating agent, but an agent for DNA measuring (see Werner '920, col. 1, lines 16 - 48).

For all of the foregoing reasons, Werner '920 does not disclose all elements of applicants' claimed invention and therefore is not a proper basis for a §102 rejection thereof. Nor is there any disclosure or teaching in Werner '920 that would have suggested applicants' claimed invention. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1 and 13 are respectfully requested. Applicants' claims 5, 8-10 and 16-18, are also patentable by virtue of their dependency from claim 1.

4. Claims 1, 5, 9, 7-13 and 16-18 were rejected under 35 U.S.C. 102 (b) over Braynin '703.

The Office Action cites first flow path 25 of inlet channel 9 as a "water absorbing member" as recited in applicants' claims 1 and 13 (See Office Action: page 4). The Office Action states that the flow path 25 is made of hydrophilic material, and that such hydrophilic material discloses the "water absorbing member" (see, Braynin '713, col. 7, lines 23-26).

Nevertheless, being hydrophilic is not synonymous with being “water absorbing.” Braynin discloses that the liquid flow path 25 is hydrophilic merely to ease the flow of liquid and to avoid interference with the exiting gas flow (See Braynin: col. 7, lines 19-31). Braynin states that first flow path 25 delivers the liquid part of an inputted biological fluid, and therefore, the hydrophilic liquid flow path 25 is not a “water absorbing member,” as recited in applicants’ claims 1 and 13.

For all of the foregoing reasons, Braynin ’703 does not disclose all elements of applicants’ claimed invention and therefore is not a proper basis for a §102 rejection thereof. Nor is there any disclosure or teaching in Braynin ’703 that would have suggested applicants’ claimed invention. Thus reconsideration and withdrawal of this rejection, and allowance of claims 1 and 13 are respectfully requested. Applicants’ claims 5, 9, 7-12 and 16-18 are also patentable by virtue of their dependency from claim 1.

5. Claim 7 was rejected under 35 U.S.C. § 103 (a) over Werner. Claim 7 is patentable for the same reasons discussed above with respect to claim 1.

6. Claims 11 and 12 were rejected under 35 U.S.C. § 103 (a) over Werner and Valencia. Valencia is cited for allegedly describing only a valve, and thus fails to make up for the deficiencies of Werner noted above with respect to claim 1. Thus, dependent claims 11 and 12 are patentable for the same reasons discussed above with respect to claim 1.

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Accordingly, this application is now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.5330). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

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